

MAINE STATE HARNESS RACING COMMISSION
MINUTES OF MEETING
September 19, 2018

Gambling Control Board Conference Room
Department of Public Safety
45 Commerce Drive, Augusta, Maine
Starting Time 9:00 a.m.

Commission Members Present: Michael Timmons, Chair, Gary Reed, William McFarland, and Michael Graham

Commission Members Absent: Gary Reed

Staff Members Present: Ron Guay, AAG, Henry Jennings, Carol Gauthier, and Miles Greenleaf

1. Call the Meeting to Order and Introductions: Michael Timmons, Chair

2. Review and Approval of Minutes

Commissioner McFarland made a motion to approve the minutes of June 20, 2018 as presented. Commissioner Graham seconded. Vote 3-0.

Review and Approval of Decision and Orders

None.

3. Adjudicatory Hearings:

AAG, Guay asked that at the end of the meeting they have an executive session to discuss the appeal. The appeal is very active right now and he would like to give them an update.

a. Appeal of the Judge's Decision to Suspend Gloria Stevenson's 2018 Groom's License. On July 10, 2018, Presiding Judge Frank Hall and Associate Judges Pamela Merrill and Mark Warren held a hearing at the Bangor Raceway to consider a positive breathalyzer test for Gloria Stevenson. The judges reviewed the minutes from the April 12, 2018 Commission Meeting in which the Commission granted Ms. Stevenson's appeal of her license denial, and voted to issue her a probationary 2018 Groom's license conditioned on no positive drug tests. The judges ruled that the positive breathalyzer test constituted a violation of the Commission's license conditions and suspended Ms. Stevenson for the remainder of the 2018 racing season. Ms. Stevenson is appealing the judge's decision. Gloria Stevenson was present and represented herself. AAG, Guay called to order the adjudicatory hearing scheduled for Gloria Stevenson. He gave Ms. Stevenson her oath. Mr. Jennings is representing the department and commission. AAG, Guay qualified the Commissioners. This is a proposed licensing action. The executive director is going to introduce evidence that will support a suspension of a license. Ms. Stevenson's license was conditional and that she's violated the condition of her license. Mr. Jennings stated that there was a judge hearing at Bangor on July 10, 2018 in which the judges essentially interpreted the conditions decision and then in their view that she had violated the condition of a probationary license and they took an action and suspended her license indefinitely. He sees it as a judge's appeal. AAG, Guay stated that this is almost a matter of first impression. Since he has been here he doesn't remember a suspension hearing. This is a licensing proceeding and typically most agencies the way to look at the world where we have adjudicatory hearings there are two in most agencies but Harness Racing has three, so he will describe them. First is licensing of individuals and whether or not they should have a license whether they should be denied a license and whether there should be a condition opposed on their license. That allows people and issues around the person and around the license. The other type of issues we have before them are more conduct related. We have by far the most typical cases

is prohibited substance. In that case the issue isn't necessarily around whether the person is qualified to be licensed or should have a license but rather did someone do something wrong and if so what is the punishment going to be which does include suspending licenses. But that the finding on that case is not that they shouldn't have a license because they are bad people or they have a criminal history or something like that but rather they did something wrong and because they did something wrong they need to be punished. The third type of hearing is not typically found in most agencies but is in harness racing is you have judges who actually are at the track that call balls and strikes during the race and they see what's going on they say we're paying for this interference they make a call so if that's appealed that the third type of hearing the Commission hears. He would say out of those three based on these facts that this is a licensing hearing. He doesn't think it's a judge's appeal and he doesn't think it's number two you could be he really doesn't think that's what it is because his understanding is by reading the notice of hearing that she had a condition of her license and the condition has been violated and therefore there's a question of whether or not she should continue to have a license is that correct, is that your theory. Mr. Jennings stated that she had a condition on her license. AAG, Guay stated that it's purely about her breaking a condition of the license and not for those types of cases it doesn't really that you just need to prove that the condition was violated. People might be say really, what's the difference. You might have a condition that doesn't have to do with harness racing for example you have financial responsibility requirements in harness racing and somebody had a judgement against them for unpaid rent the Commission could order you have a license to the extent that you satisfied the judgement within three months or something the Commission can do that, and in that case if they didn't pay back the rent back within three months that would be a violation of the condition. It has nothing to do with harness racing. That's the difference between a licensing hearing and a conduct hearing. As a prosecutor and as the commissioners you understand what type of proceeding this is because this is a matter of first impressions. Because of that then you're not defending the action of the judge. In his mind, questionable he is not able to give the Commission or you as executive director of legal advice as to the ability of a judge to affect the license. If he was to say something right now to him it is not clear they can do that but this Commission can do it and if they decide to do it, they would be able to do that today. A way that a judge may be allowed to do as if this Commission were to delegate that authority to a judge and then the question becomes would that delegation be lawful. If that's something the Commission would like to do in the future we'd have to do more research to see whether or not that suspension would be delegable. If this Commission delegates to the judges the ability to suspend a license he would recommend that delegation only be temporary until the next regular scheduled commission meeting so then the Commission could actually take the question up. If there's a reason why someone needs to be suspended, then it's up to the Commissioners to decide whether they want to allow the judges to do that. AAG, Guay stated that it's a licensing hearing and in the harness racing statute that means the executive director is going to have to introduce evidence that your license should be effected. He asked if they discussed any stipulations. There were none. He asked Mr. Jennings if he had any written exhibits. Mr. Jennings stated yes. AAG, Guay stated that he would suggest the practice from now on for you start the meeting so if you see the person that has a hearing to give them a copy of the exhibits so they have an opportunity to review it. In fairness, he should allow Ms. Stevenson the opportunity to look at every one of this documents. If it's a bigger case it could delay the hearing. Mr. Jennings stated that he thinks Ms. Stevenson has seen everything in there. AAG, Guay stated that it doesn't matter but she needs to see what those exhibits are before you introduce them. He asked Mr. Jennings to identify the documents. Mr. Jennings moved for the admission of the following documents. Exhibit 1, Notice of Hearing; Exhibit 2, Application for groom; Exhibit 3, email from Ms. Grondin; Exhibit 4, Appeal form; Exhibit 5, Notice of judges hearing; Exhibit 6, Witness list; Exhibit 7, Notice of their decision; Exhibit 8, Notice of suspension or fine to USTA; Exhibit 9, Memo from Frank Hall; Exhibit 10, Minutes from April 12th meeting; Exhibit 11, USTA Suspension notification from Delaware;

Exhibit 12, Section of Chapter 1 of the rules; Exhibit 13, email from Ms. Stevenson to waive timely notice; and Exhibit 14, email from state steward regarding breathalyzer test. AAG, Guay stated to Ms. Stevenson if she had any objection to these exhibits. Ms. Stevenson stated no. AAG, Guay stated in the notice of hearing it indicates that you were awarded a groom's license on April 12, 2018 and also in the notice of hearing one of the grounds is that when you got your license it was the fact that it was a probationary license; and also in the notice of hearing the allegation is that the probationary license included a condition that you not fail any drug test; Ms. Stevenson agreed to the stipulations. AAG, Guay stated that the next fact if you admit to it essentially, you'd be admitting that you violated your probation. Do you admit that on July 3, 2018 you failed a breathalyzer test? Ms. Stevenson stated yes as long as she can explain. AAG, Guay stated that therefore based on the breathalyzer test do you admit that you did violate your probationary license. Ms. Stevenson stated that was iffy. She stated no. AAG, Guay stated that Ms. Stevenson can ask questions about it. Mr. Jennings stated that the case essentially involves around two pieces of information in addition to the two stipulations. In Chapter 1, Section 22 one question that occurs to them immediately is alcohol actually a drug for the purposes of this question before you and it says under number 2, **Drug use prohibited**. For purposes of this section, the term "drug" shall include alcohol, in amounts greater than 0.05% in the blood. For the purposes of your rule you consider alcohol to be in with any other drug. Then the question is what was the decision that the commission made on April 12th and it was a little difficult to mind in to exactly that. It appears if you read in the minutes that it was a 5-0 vote to grant Ms. Stevenson a probationary groom's license for 2018 and it was conditioned on her not failing a drug test. That is what we interpret that to mean and since alcohol under Chapter 1 is considered a drug and she had a breathalyzer test at .113 with a limit of 0.05 than in their view that means that she failed the breathalyzer test and therefore violated the condition that you put on her probationary license. AAG, Guay stated not knowing the rest of his evidence there's an obvious issue that jumps out at him but we'll wait until you put your case together. Mr. Jennings stated that the collection of 14 exhibits and the fact that Ms. Stevenson stipulated and that they have written information suggesting she failed the breathalyzer test and you put all those together it means that she violated the condition that the Commission put on her probationary license. AAG, Guay stated that Mr. Jennings rest at this point. He stated to Ms. Stevenson that she could tell the Commission by way of argument and also, you're giving testimony. Ms. Stevenson testified. Commissioner Timmons asked Ms. Stevenson if she was aware totally after they left the hearing before we granted you the license of what was said that would warrant you losing that license. Ms. Stevenson stated yes, failing a drug test. AAG, Guay stated as a licensee you are provided with a copy of the rules or did you ask for a copy of the rules. Ms. Stevenson stated no. AAG, Guay asked if she understood as a licensee you're supposed to know the rules, is that correct. Ms. Stevenson stated yes. AAG, Guay asked if she was aware of what the rules are about drug testing. Ms. Stevenson stated drug testing is when you pee in a cup. AAG, Guay asked if that's what the rules say. Ms. Stevenson stated that she wasn't one hundred percent sure. AAG, Guay stated for example if Mr. Jennings described the rule and whether or not you're an alcoholic or you had other drug problems do you understand your probation to require you to comply with the rules of the Commission on drug testing. Ms. Stevenson stated yes. AAG, Guay stated to Ms. Stevenson that Mr. Jennings stated that drug testing includes alcohol. Do you dispute that's what the rule says? Ms. Stevenson stated no, she does not. AAG, Guay asked Mr. Jennings what the specific rule number because it's not on the notice of hearing. Mr. Jennings stated Chapter 1, Section 22 talks about drug testing and licensees and the second section talks about alcohol is considered a drug. AAG, Guay stated that he doesn't have any more questions for Ms. Stevenson. Mr. Jennings didn't have any further questions. AAG, Guay asked if Mr. Greenleaf could testify. He gave Mr. Greenleaf his oath. He stated to Mr. Greenleaf that the rules on section 21 and section 22 talks about a breath analyzer test requested and then it says a reading of more than .5 percent of alcohol in the blood. Is the breathalyzer does that show what the blood alcohol testing is. Mr.

Greenleaf stated yes. AAG, Guay stated that is absolutely crystal clear. Mr. Greenleaf stated yes. AAG, Guay stated to his knowledge that the three digit is the .5 percent of alcohol in the blood. Mr. Greenleaf stated that the reading is the blood alcohol level he believes. AAG, Guay stated that it's your testimony to the extent that the rule requires greater than .05 percent in the blood your testimony is that you don't need a blood test to determine the .05 amount of alcohol in the blood because the breathalyzer that .113 would be eleven percent or .113 percent blood in the alcohol. Is that your testimony. The rule requires a .05 amount of alcohol in the blood. You don't do blood testing you do breathalyzer testing so the number that flashes up on the breathalyzer is in fact the percentage of the alcohol in the blood. Mr. Greenleaf stated that he believes so. AAG, Guay asked how certain he is. Mr. Greenleaf stated very certain. AAG, Guay stated that's the way you've done it for years. Mr. Greenleaf stated yes. AAG, Guay stated that he doesn't have any further questions. There were no other questions for Mr. Greenleaf. Ms. Stevenson stated that she doesn't really have a problem with alcohol. She had too many that night. AAG, Guay closed the evidentiary part of the hearing for deliberations. Commissioner Graham stated that his understanding of what he voted for a license was a provisional license meaning if you got in type of trouble you were going to lose your license. It doesn't make a difference of what it was. In his opinion he would revoke Ms. Stevenson's license for the rest of the year. Commissioner McFarland stated like Commissioner Graham it is very unfortunate but he has to agree that when Commissioner Varney made the motion that they all seconded it was pretty clear that any violation was going to unfortunately require a suspension of your license. AAG, Guay stated that in terms of this case the consequence warrants for an immediate suspension. You heard Ms. Stevenson admit to the facts that are necessary to find a rule violation. The drug testing rule is .05. It may not have in Ms. Stevenson's mind it may not have been her substance that she had a problem with but it doesn't matter whether it's Ms. Stevenson or anyone nobody is above that rule. If that rule is violated they get punished. You don't have to show that you're an alcoholic if you have that blood level and you're in a controlled area during a race you've violated the rule so there has to be a consequence. It's up to the three of you to decide. He's heard a revocation. He would suggest to you that's is not a remedy available to you. If you don't want her to have a license for the remainder of the year, then suspend her license for the remainder of the year. He can get into the revocation issue if you want. It's not clear to him that you have the ability to revoke the license but you certainly can suspend her license. When you make the motion that he would ask that you put in the probationary license that she would have her license suspended. You've all concluded thus far that she did violate her probation. The only thing you need to clarify in your motion for how long the suspension is and he heard Commission Graham suggest the rest of the year. Commissioner Timmons stated that it appears that the way it happened in the paddock and everything that he believes that judges made a decision and that someone shouldn't be in the paddock for what was happening and was trying to honor what the Commission had said needed to happen so he believes that maybe looking at only the suspension but looking at the action that was taken by the judges that he agrees with and he thinks they've as far as removing from the paddock as far as trying to clarify what authority they would have in suspension he can't see why that would be any different than if someone violated something on the racetrack and they get a three day suspension. Is it a time thing they are looking for that they did they would have to change if we change a rule sometime? AAG, Guay stated he would suggest that probably if you want to get into that discussion now. Commission Timmons asked for a motion. Commissioner Graham made a motion to suspend Ms. Stevenson's license for the remainder of 2018. Commissioner McFarland seconded. Vote 3-0. Ms. Stevenson asked if she was allowed on the grounds to go watch the races. AAG, Guay stated that this has been a source of a lot of discussion at the commission. They have found the office of the attorney general's opinion and he's going to give them the counsel's view and then the Commissioners can weigh in if they disagree. Counsel's view on that question is that the harness racing commission has jurisdiction and that includes the areas where the people are making the bets, it includes the paddock. Think about areas where you

are required to have credentials or a license. At this point in time you don't have a license, so now at the fairs can someone go and sit in the grandstand at the fairs and watch the races. The office of the attorney general's opinion is yes. The reason why is that is a public area people do not require a license to go sit in the grandstand and watch harness racing. If the general public can go to that area, then you can.

4. **Review of the Rulemaking Comments.** On August 1, 2018, a Notice of Agency Rulemaking Proposal was published in Maine's five daily newspapers, which began the comment period on proposed amendments to Chapters 5, 7, 9 11, and 17 of the Commission rules. A public hearing was held on August 22, 2018 and the deadline for written comments ended at the close of business on September 7, 2018. The Commission will review the comments received, consider all relevant information, and discuss whether the proposed amendments should be modified based on comments received or on Commission findings pursuant to 5 M.R.S. § 8052 (5)(B). Mr. Jennings asked that they have until January 5th to take a vote on the rules. They may end up potentially readvertising some of this depending on determination you make with counsel. He tried to capture all the comments in one document and put in order by section and chapters. He thinks the logical thing for him to do is go through the rules in numerical order and then go through each comment and determine what you want to do with those comments because we need to capture that for 2 purposes, one they have to create a response to comments for adoption purposes so they have to get from you what your reaction is to each comment; and secondly we need to know whether you want to make changes to the proposed rule and whether you want to move forward with adopting the rule so any case do you want to go that way. The first section in Chapter 5 is 5.1 you had a plan for payment of purses for a calendar year for that racing year and two people commenting on that. Do you want to change that in any way and/or do you want to continue forward in keeping to that effect? After a brief discussion, the three Commissioners agreed to go forward with the language as written. Mr. Jennings stated in section 8 this is about having a track plan. After a brief discussion, the three Commissioners agreed to not go forward with this language. Mr. Jennings presented Chapter 7. On page seven, section 17.E Commissioner Graham stated that he agreed with Mr. Sweeney's comments and Commissioner Timmons and Commissioner McFarland also agreed to reject the change. Section 18.9 the Commissioners also agreed to reject this change. Chapter 7, Section 28, the Commissioners agreed to delete the language from after the word "permitted" to the end. Mr. Jennings stated they would look at section 46.1 trainer responsibility. Commissioner Graham stated that he would like to have the last sentence deleted. Mr. Jennings stated that he would bring back language. Section 46.B they agreed to list who you don't want on the list. Mr. Jennings moved to section 50-A regarding the whipping rule. Commissioner Graham stated that he would adopt the whipping rule but he doesn't think they can do it at this time. Commissioner McFarland stated that he assumes other tracks are probably using this; it would be clearer for everybody if they had one whipping rule it would be probably be easier for the judges to enforce. Commissioner Timmons stated that the extended meet is one rule and the county fair is another set and he has both at his fair. For seven days, they get punished one way on the eighth day they get punished another way. He thinks this would need to be looked at very closely because a 1st offense is \$1,000. Commissioner Graham stated that he doesn't care one way or another about the fines but the big part of it is the definition of what is proper conduct with the whipping. Mr. Jennings agreed with Commissioner Graham. He stated that they will hold this for the next round. Section 75, Purse Money. Mr. Jennings suggested to get out of the business of prescribing exactly how purses are paid out. He stated that Commissioner McFarland said that you don't want a system in which every race has a different payout or every association has a different payout because that would make it hard for the people who run the spreadsheets. On the other hand, Mr. Sweeney, has put forth a comment in which he suggests you ought to think about changing the 50, 25, 12, 8, 5, and 2 to something like 47, 23 12, 8, 5, 3, 2, and 1. He did solicit comments from

the two associations but they haven't had time to talk that through with their membership. Commissioner Graham stated that he would not be willing to vote on anything on this until they hear from the MHHA after they poll their membership and the breeders' association the same way. Mr. Jennings stated that based on their comment just leave it the way it is. Commissioner Timmons stated that they would move on to Chapter 9. Mr. Jennings stated that there were two changes and no one commented on those. On page 6, the MSBOA wanted to be able to pay only for the finals 6th, 7th and 8th on this schedule and that money is to come off the top before the other purse calculation was made. Mr. Sweeney submitted a comment and stated that would be hard to do. Mr. Jennings stated what they are saying is take 3 percent off the top and then apply the regular formula and the 3 percent will be paid to 6th, 7th, and 8th places at 1.25 percent, 1 percent and .75 percent that was to get around the hippodroming and then after you take the 3 percent off the top then apply the regular formula 50, 25, 12, 8, and 5. What the rule doesn't seem to speak to at all is what about that money the entry fee. Commissioner Graham stated there isn't any entry fee in the final. Mr. Jennings stated so that's off the table and he knows Mr. Sweeney's viewpoint is it would be hard for the people who come up with the whole purse distribution to do it this way. Commissioner Graham stated that he thinks they can handle it for one day. AAG, Guay stated that his only comment is that he really appreciates the concern with hippodroming but his understanding is to be in the finals you have to have qualified to get there. Hippodroming is if you're paying horses to just appear nobody has a right to just appear they have to have qualified. He stated that he doesn't think it's possible to have hippodroming in the sire stakes finals because if this ever becomes an issue. All three Commissioners agreed to adopt the language as proposed. Mr. Jennings moved to Chapter 11, Section 4.1. Commissioner Graham stated that he would move on. AAG, Guay stated that you're suggesting to go with the proposed language in Chapter 11 as proposed by the executive director. Commissioner Graham stated yes. Mr. Jennings stated that they didn't have any comments on Chapter 17. AAG, Guay suggested that you don't take action on Chapter 17 and for reasons he'll get into in executive session. Commissioner Graham moved to leave Chapter 17 for the moment. Commissioner McFarland agreed.

5. Other Business:

Commissioner Timmons stated that an individual that has been suspended next week ends up inside the paddock at Scarborough Downs the judges would have authority to take action and he's not positive what action if they were under the influence of doing something and still they are going to take action and he supports what action the judges take. AAG, Guay stated especially if someone that has been suspended and it's been detected and someone doesn't have a current license is on the grounds. Absolutely, it doesn't only have to be the judge, the steward or any other race official anyone with any type of authority would ask that person to leave and if they don't he would presume they would contact the owner or the association. To him the question and we've never had this until today if someone has a probationary license that calls for an automatic suspension he's going to suggest to them that the Commissioners would do is authorize the executive director. That doesn't mean that the executive director has to be up at the site, so let's say Frank said hey you violated this breathalyzer test then he would think a phone call the executive director says ok I have evidence of a violation of the drug test he is administratively suspending your license. He as executive director he is sort of the direct extension from the Commissioners and everybody works downwards from him. Commissioner Graham asked if the state steward can do it. AAG, Guay stated the question becomes who has the authority to act on behalf of the Commission. It is the interaction between all the various parties under the statute is and he would describe as potentially confusing. He has spent significant amount of time in the statute and he's spent significant amount of time looking through the legislative history over all of the various assignments and who gets to do what and who has what responsibilities and based on his recent research it is not clear to him that the stewards have that

power. It seems to imply that the race judges may however the race judges have authority over violations during the race it would appear that seems to be the limitations. The Commission has authority over licensing. Judges don't license people the Commissioners license people. The closest relative to the Commissioners in the staff is the executive director. Not the stewards. All we are talking about is a phone call. It's a matter of what the law says. Commissioner Timmons stated that there is a fist fight in the paddock or there is someone that's intoxicated in the paddock or there is someone who is refusing to stay outside the paddock by the person that's checking people in the responsibility that he would place on the officials that are officiating his program at his fair for those 7 or 8 days anything that comes along becomes a judge or that state steward and the judges are the ones that call hearings on the premises sometimes that need immediate attention and they're doing things that possibly they don't have the authority to do. AAG, Guay apologies if he hasn't been clear. He's describing the decision to suspend a license based on a probationary condition. If there's a fight at the racetrack the executive director doesn't need to get involved in that. That's the judges or the state stewards. If there's a drunk person and someone blows a positive breathalyzer test yeah that judge can say get out of here; however, the judge doesn't get to make the decision that you no longer have a license. That is the decision that the executive director gets to make. Mr. Jennings stated that during the executive session that AAG, Guay suggested he thinks there are some other questions around licenses and suspensions that they need to work through because the judges do suspend licenses and then you've got the other question about if somebody is suspended in another jurisdiction there's kind of this assumption that they're also suspended in Maine. AAG, Guay stated that he doesn't think they need to have an executive session. The executive session is relating to material that's in the appeal, so the department of agriculture is filed a petition for review against this body. The reason they go into executive session is so that he can explain where they're at and what's likely to occur. They are a party to essentially the equivalent of a lawsuit. That kind of stuff he thinks they can have that discussion publicly except there is a couple of issues that did come up as a result but he didn't get into the details. He is definitely more knowledgeable about the jurisdictional issues because we have never ever had anyone pointedly try to dissect the difference between the department and the Commission in their history so this is a matter of first impression. He can talk about and just to be clear the executive session is really a very special thing. He can talk about research that he's done that kind of effects other things because when he's getting ready to defend the Commission he's out there reading history as a result he's seeing things about what they do and whoa why do we do that then based on what he's reading. That's ok to have a discussion publicly on that because that's secondary to his research that he's doing. He will not get into a discussion of the department publicly. Commissioner Graham stated that he would suggest at a future meeting. Commissioner McFarland stated that with referencing to all of this licensing it is pretty evident that in light of all of this discussion we've just had here today and the fact that they will be revising new rules of most all of the chapters that the commission look at having another official's workshop. He thinks it's imperative that these officials, judges, state stewards and everybody understand specifically these different areas that they're responsible for and what we're responsible for and that be defined and clear. Commissioner Timmons agreed and we are going to have this at a future meeting.

6. Public Comment

Commissioner Timmons asked for public comment. He asked for the next meeting if they could talk about consent agreements. If they do consent agreements, he wanted to know if you decide Mr. Jennings that if you have something that could be dealt with in consent agreement do you go ahead as soon as you have the paperwork in order; and have the consent agreement and then bring back your results and is that the first time this Commission knows that. In other words, when do you decide to have a consent agreement. Mr. Jennings stated that the first thing in determining whether to do a consent agreement they look at what their delegation to him was. Anything up to Class A

provided that the licensee agrees to the minimum penalty as described in Chapter 17. First of all, they look at that delegation, so they knock off Class A medication and then the second question is is the licensee interested in settling the case on those terms. Mostly they're not because they feel like they have a better shot in front of this Commission. If they are they send them a proposed agreement that includes the terms of minimum penalties as described in Chapter 17. Then they tell them it's all going to change because we have to deal with the issue of purse return no purse return. He is very much opened to the idea about having the Commission approving them instead of him. That would add a level of transparency that it is something that they can do. AAG, Guay stated that he would like to provide Commissioner Timmons with a little background because he had an intermediate period when he was on the Commission, and at that point the Commission had made a decision that the executive director wasn't doing consent agreements. Then Commissioner Timmons left and we had a different set of Commissioners who then adopted to give him authority to do it. He has to sign off on them and he has to make sure that Mr. Jennings has the authority to do whatever he's doing before he can sign it. The practice of the Commission change based on who the Commissioners are so it is a good time to take a look at it.

Ms. Patterson from the MHHA thanked Skowhegan State Fair for allowing them to do a 50/50. She also thanked Windsor Fair for doing a 50/50 raffle. They raised over \$1,000 for the scholarship fund.

7. Schedule of Future Meetings:

October 11, 2018

November 1, 2018

8. Adjourn

11:50 p.m.

Commissioner Graham made a motion to go into executive session. Commissioner McFarland seconded.